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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 685th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 18 January 2001, at 10 a.m.

Chairperson: Mrs. OUEDRAOGO

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial Report of Lesotho (CRC/C/11/Add.20; CRC/C/Q/LES/1 (list of issues), update of the initial report (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, Mr. Maema, Ms. Lebotsa, Ms. Chisepo, Ms. Mohlabare and Ms. Liphapang took places at the Committee table.

2. Mr. MAEMA (Lesotho) said that poverty alleviation and the preparation of a development programme and strategy within the scope of the international community's 20/20 Initiative - which called for the allocation of an average of 20 per cent of the national budget in developing countries and 20 per cent of official development assistance to basic social services - were currently at the heart of the Government's agenda for promoting socio-economic development and for reducing the impact of the 1998 crisis.

3. The disruption connected with the 1998 political crisis had caused considerable economic damage, estimated at over 300 million maloti, as well as a 5.5 per cent decline of the gross domestic product (GDP). During the crisis, children had taken part in acts of terrorism and some had been killed in shooting incidents. The labour retrenchment in South African mines had caused a sudden loss of income in Lesotho in households dependent on repatriated salaries. Severe drought in 1991/92 and 1997/98 had led the Government to implement food-supplement programmes for children. In September 2000, in an effort to bring sustainable improvements to the livelihoods of poor people and children, the Government had submitted an Interim Poverty Reduction Strategy Paper to the World Bank under the 20/20 Initiative, and would submit the final Paper in June 2002. The aim of the strategy was to promote national poverty reduction strategies with a results-oriented approach and based on partnership. The vision 20/20 initiative, on the other hand, aimed at defining the major socio-economic and political objectives to be used as indicators of socio-economic progress.

4. In July 2000, the Government had launched a general framework for HIV/AIDS prevention, control and treatment. The part of the National AIDS Strategic Plan relating to children provided for community-based care and foster homes, the adoption of legislation to support children affected directly or indirectly by AIDS and various other measures detailed in the update of the initial report.

5. Primary education had been free in Lesotho since 2000, in compliance with the relevant provision of the Constitution, the World Declaration on Education for All and the Convention on the Rights of the Child. The aim of the Youth Policy was to promote the dignity and self esteem of all young people, to ensure their physical, intellectual and moral well-being and to accelerate their participation in the country's socio-economic, cultural and political life.

6. The gender policy, which was in the process of being prepared, would aim at addressing the gender inequities that persisted in the sphere of public opinion and in society at large. All the ministries would be required to set up gender focal desks. The inferior status of married women,

which prohibited them from having access to economic resources and decision-making powers, was an issue that would also be taken into consideration. The national population policy gave women the right to decide on the number of children they would like to have and the spacing of pregnancies. The reproductive health policy aimed to provide adequate pre- and postnatal care to reduce the infant and maternal mortality rate.

7. The Ministry of Health and Social Welfare and the Ministry of Education had received very high budgetary allocations for children's welfare. For example, the adolescent health programme had received over 203 million maloti in 1998 and some 160 million maloti had been provided for disabled children in 1999. In 1998/99, 215.3 million maloti had been allocated to primary education, more than 1 billion to secondary education and 1.1 million to special education. However, the law enforcement authorities did not have a budget allocation specifically for juvenile offenders.

8. The Law Reform Commission had drafted various statutory bills on the social welfare of women and children. The Married Person's Equality Bill (2000) gave married women the right to take decisions without their husband's prior consent, to enter into contracts and to institute legal proceedings. The Sexual Offences Bill (2000) removed gender discrimination in the definition of sexual offences and imposed penalties for the sexual abuse of children.

9. In order to guarantee the promotion and protection of children's rights, however, Lesotho required the assistance of donor agencies and the specialized agencies of the United Nations. As a matter of priority, the country should obtain a database on children's issues, which would make it possible to facilitate the planning, implementation, monitoring and evaluation of social welfare and development programmes and to develop the indicators needed to measure progress in implementing the Convention. Social workers, probation officers and law enforcement authorities should be provided with specific training on care for special needs children and juvenile offenders, and the Special Education Unit of the Ministry of Education should be strengthened with specialized teachers to cater for children with severe disabilities, particularly mentally-handicapped children.

10. Mr. DOEK said that the report had been prepared in accordance with Committee guidelines and that those responsible for it frankly acknowledged that violations of children's rights occurred in Lesotho that certain laws should be amended to bring them into line with the Convention. However, it was disappointing that the report contained no statistical data or information on the general measures of implementation of the Convention, even if that shortcoming was partly remedied by the updated report.

11. It was not very clear from the report whether Lesotho had introduced a comprehensive strategy for implementing the Convention. At the legislative level, first of all, the Convention was not self-executing in domestic legislation and therefore could not be referred to in a court of law. The Criminal Procedure and Evidence Act still permitted whipping for males under the age of 21 and penitentiary staff still resorted to corporal punishment. Did the Government intend to incorporate the Convention into domestic legislation? How was it possible to implement the Convention in a country governed both by Roman law and customary law - the latter of which still had a strong influence on all family issues?

12. It would be useful to know who, in the Government, was responsible for monitoring the implementation of the Convention and whether a mechanism had been set up to coordinate the numerous activities carried out in the legislative and socio-economic fields. An independent monitoring body was needed so that a critical assessment of the situation could be made. Had a national human rights committee finally been set up, and if so, did it comprise a section or an individual specifically responsible for children's rights issues?

13. In Lesotho, a child was defined as being any human being below the age of 18, yet the age of majority was fixed at 21 years. How was the difference reflected in practice? Did young people aged between 18 and 21 enjoy the same protection as children, or, if they formed a different category, another form of protection? What was the situation of young people who married before the age of 18, since they were no longer protected as children. Did they have the same responsibilities and did they enjoy the same rights as adults, for example the right to enter into contracts?

14. Noting the continuing existence of various forms of discrimination, particularly towards handicapped children and children born out of wedlock, he asked what measures were being considered to rectify the situation. Like non-discrimination, respect for the views of the child, which continued to be undermined by traditional attitudes towards the role of parents- had to be guaranteed both by law and through awareness campaigns aimed at changing attitudes and behaviour. Were there any plans to take such action? In administrative and civil procedures, were there any special provisions to guarantee children the right to a hearing? Were there any structures to promote the participation of children in schools?

15. Did the figures submitted by the delegation concerning the health and education budgets indicate an increase in the credits allocated to those two sectors? Given the considerable reduction of international financial aid in 1997-1998, what was the current situation regarding multilateral and bilateral aid?

16. Mr. FULCI asked whether the report had given rise to any consultations and debates with civil society and non-governmental organizations (NGOs), and if so, to what extent the suggestions made had been taken into consideration. He would also like to know how effective the strategies used to disseminate information on the rights of the child had been, particularly among children themselves. He would also like to know the scope of the cooperation activities carried out with the international organizations and whether the amount of technical assistance currently provided by donor countries and organizations was sufficient.

17. Ms. EL-GUINDI, noting that there was no ministry was specifically responsible for the implementation of the Convention or for coordinating policies for children, requested details about the relationship between the Central Planning Ministry, which was responsible for coordinating the implementation of the National Plan of Action, and the other government bodies and NGOs.

18. Ms. MOKHUANE asked about the measures that had been taken to disseminate information on the Convention to children living in rural areas. She would also like to know how the Government evaluated the results of its policy, as some of the statistics needed for that purpose were unavailable. Had the implementation of the National Plan of Action helped to raise

awareness of the obstacles hindering the development of children's rights? Did Lesotho intend to ratify International Labour Organization (ILO) Conventions Nos. 138 and 182 and the Hague Conventions on maintenance obligations towards children and on intercountry adoption?

19. What measures were planned to strengthen policies and programmes for vulnerable children, particularly street children, pregnant teenagers and children deprived of a family environment? Was the age of sexual consent the same for boys and girls? Did the fact that minors were not allowed to consult a doctor without their parents' consent pose a problem in the case of pregnant teenagers?

20. Ms. TIGERSTEDT-TAHTELA asked what percentage of the State budget was allocated to measures to help children. She asked about current economic trends and forecasts in that area and requested further information on taxation. Had VAT been introduced, and if so, how was it collected and what effect had it had on the poorest sector of the population?

21. Ms. KARP asked which channels were the most accessible to children for filing complaints, and how and by whom complaints lodged by children were addressed? What influence did customary law have on marriage and had any studies been carried out on the issue of early marriage to measure the scale of and eliminate that practice? Were any measures being considered to permit young girls to continue their schooling once they were married? It would also be useful to know whether minors could take an AIDS test without their parents' prior consent and what sort of help was provided for children with HIV or AIDS. Finally, were any measures going to be taken to address the shortage of qualified professionals in the health sector?

22. Ms. RILANTONO asked what were the Government's possibilities for action in favour of children, what issues it intended to address as a matter of priority and how that was reflected in the budget. Given that 50 per cent of the active population worked in the primary sector, it would be interesting to know whether any measures had been taken to promote the development and modernization of the agricultural sector.

23. Mr. RABAH asked whether any measures had been taken to raise religious leaders' awareness of the principles laid down in the Convention and to change attitudes, particularly towards women and girls, in an attempt to phase out the many traditional practices that contradicted the provisions of the Convention. The age of criminal responsibility, fixed at seven years, was very low. He asked what the minimum age was for enrolment into the armed forces.

24. Ms. LEBOTSA (Lesotho) said that the percentage of inhabitants infected with HIV had increased significantly, reaching 15 per cent. An awareness campaign and a strategic plan to change sexual behaviour had been organized within the framework of the National HIV/AIDS Strategic Plan, which would receive two per cent of the 2001-2002 budget. In addition, the Ministry of Health and the Ministry of Justice were in contact with the Irish Government, which had offered to help Lesotho develop some preventive strategies.

25. Since the political crisis of 1998, poverty had become more widespread, and a greater number of children were being forced to work. The Government, with the help of UNICEF, had carried out a study that had been used to determine the extent of child labour in different regions of the country and also in the preparation of recommendations, which were yet to be

implemented. Another consequence of the fall in the standard of living had been the emigration of health professionals and social workers to South Africa, which had led to a countrywide shortage of qualified personnel. A forum had been organized to discuss ways of preventing the brain drain but its conclusions had not yet been made public, no consensus seemed to have been reached.

26. The decision to create the Law Reform Commission had been taken as late as 1997; it was now established and had a budget, but had only recently become operational, and had set up a child law reform committee. Similar problems were being experienced with the Human Rights Commission, whose role would be to address complaints about human rights violations; its establishment had been approved in 1995 but it had not yet been made operational.

27. With regard to the corporal punishment imposed on male juvenile offenders, she referred to paragraphs 109 to 111 of the report. Two contradictory laws were in force: the Criminal Procedure and Evidence Act, which authorized such punishment, and the Children's Protection Act, which prohibited it.

28. One body should be specifically responsible for coordinating the various initiatives for children. The Ministry of Planning was currently responsible for the overall implementation of all government projects but each ministry was responsible for monitoring its own activities. During a consultation with NGOs, organized before the Committee meeting, it had been suggested that the newly established Ministry of the Environment, Gender Equality and Youth should be made responsible for monitoring the implementation of the Convention, a proposal which was going to be examined in more depth. The Ministry of Education and the Ministry of Health, with the help of UNICEF, had adopted some mechanisms to evaluate the impact of the measures taken.

29. Three officials from the Ministry of Justice had been responsible for drafting the report. They had used information from many other sources to prepare a preliminary draft, which had been submitted to various government agencies, to NGOs and to political and religious leaders. The comments made at the time had been taken into consideration in the final draft. No evaluation had been made of the extent of the Convention's dissemination. Information would be provided at a later date on cooperation with international institutions for the purpose of implementing the Convention and on the possible ratification of ILO Conventions Nos. 138 and 182.

30. A group of judges was currently in South Africa attending an awareness-raising conference on the importance of ratifying the Hague Conventions on maintenance obligations towards children and on intercountry adoption. The share of the budget allocated to children was calculated only with respect to the Ministries of Health and Education and the figures were not disaggregated in the overall state budget.

31. Mr. MAEMA (Lesotho) said that the amount of technical assistance provided to Lesotho was far from sufficient and had to be increased, particularly for capacity-building purposes. The system of taxation had many shortcomings, largely because there was a shortage of qualified staff working for the tax office. The bill to introduce VAT was still being considered by Parliament, which was finding it difficult to reach a decision and had had to organize informal

discussions with the International Monetary Fund (IMF) for a better understanding of the implications.

32. Ms. CHISEPO (Lesotho) said that the draft Children's Protection Act should be submitted for consideration by Parliament in February 2001. With regard to AIDS prevention, health centres intended exclusively for teenagers had been set up in the regions to answer teenagers' questions about reproductive health. Young people could have an AIDS test there without their parents' consent.

33. Mr. DOEK noted that, according to the report, children with behavioural difficulties could in some cases be placed in institutions comparable to detention centres where they mixed with minors sentenced to imprisonment and were subjected to corporal punishment. As using violence to punish violent children had no educational value, he asked whether the State party had any plans to criminalize corporal punishment.

34. Considering the growing number of children orphaned by AIDS and the widespread poverty, was Lesotho taking any measures to protect children in need? Did the National AIDS Strategic Plan 2000-2004 provide any psychological support for underprivileged families, particularly single-parent families?

35. With reference to table 1 of the report, he was struck by the fact so few applications for foster care had been submitted between 1992 and 1997 (45 in total). Was that due to an absence of need in that field or to the lack of foster facilities? It was also surprising that the data provided in the summary table on page 20 of the updated report indicated a significant decline in the number of abandoned, neglected and abused children, in particular, over the previous two years. He would appreciate the delegation clarifying the figures and providing a table that accurately reflected the current situation.

36. The delegation was invited to indicate whether customary law encouraged adoption by the extended family and to provide information on intercountry adoption. Did Lesotho intend to develop a comprehensive plan to address the problems of disabled children?

37. Mr. FULCI underlined the fact that while the Constitution of Lesotho prohibited any laws that were discriminatory in substance or effect, some existing laws affecting persons who were not citizens of Lesotho introduced a distinction between children who were nationals of Lesotho and those who were not, and were therefore discriminatory in nature. Further details would be appreciated on the obligation to register births, which did not appear to be respected, although it was a fundamental aspect of the implementation of the Convention since children acquired their rights at birth. He would also like to know whether female genital mutilation was a widespread practice in Lesotho and whether it was punished. Lastly, could the delegation give more details about the country's policy on breast-feeding?

38. Ms. MOKHUANE said that the practice of giving illegitimate children a derogatory name as a sign of disapproval was a violation of their dignity and clearly contradicted the objectives of the Convention. A public debate should be entered into immediately to put an end to the practice. Likewise, corporal punishment was damaging not only to the physical integrity

of children but also to their dignity and it was therefore essential that Lesotho should revise its legislation on the matter.

39. From the information available, it seemed that parents were so busy trying to meet basic family needs that they neglected to provide their children with the psychological support and guidance they needed to develop. Had Lesotho developed a comprehensive strategy to ensure the psychosocial development of children within the family environment?

40. One of the main elements of the right to survival and development was the introduction of AIDS prevention programmes, but what about the other elements of the right to development, such as education, mental health programmes, environmental planning, recreational activities, art and culture? Was there any coordination between activities in the various fields? According to reports from the various partners, access to information was extremely limited. What was the State party doing to remedy the situation?

41. With regard to the media, what had been the results of the work done by the National Broadcasting Commission, which was responsible for suggesting topics for television or radio debates and for evaluating programmes intended for young people?

42. Had Lesotho adopted a policy for the welfare of families headed by children, considering that the number of children orphaned by AIDS was on the increase?

43. Ms. EL-GUINDI, noting that for cultural reasons little importance was given to children's views either at home or at school, asked whether Lesotho intended to take any measures to change attitudes in that respect. Considering the collapse of the family unit and the increase in the number of single parent families headed by women, was Lesotho concerned about the fate of the mothers who were bringing up their children single-handedly and did it take into account the best interests of children when developing its programmes?

44. Ms. KARP asked what percentage of marriages involved children under 16 years of age and whether early marriages were due to the widespread opinion that adolescent girls were less likely to be infected with the AIDS virus.

45. She invited the delegation to provide statistics on cases of police brutality, which seemed very common, and to indicate whether Lesotho envisaged any mechanisms to deal with complaints made by victims of police violence.

46. Had the State party tried to determine the causes of the increase in the number of youth suicides? Did it intend to integrate the issue into the school curricula and to make psychological counselling available?

47. In Lesotho, children's inheritance rights were not protected and it was common for children to be dispossessed of their property when their parents died. Did the Government intend to amend legislation to protect the increasing number of children orphaned by AIDS?

48. Girls who became pregnant were legally obliged to leave school permanently at the beginning of the pregnancy. Could they not continue their studies in one of the country's many church-run schools? Were children who attended a school of a denomination other than their own obliged to attend religious education classes at that school or was it possible for them to exercise their right to freedom of religion?

49. Ms. RILANTONO, highlighting the importance of registering births, whereby children acquired a name and nationality, asked how much it cost to register a child. If the price was unaffordable, that might explain why some single mothers took a long time to register their children. It would be useful to have further information on the steps that single mothers had to take to obtain identity documents for their children, as according to some sources, the procedure was more complicated for them than for married mothers.

50. Was religious education taught only in church-run schools or did state schools also provide such teaching? Lastly, given the decline in immunization coverage and the rise in infant mortality despite the country's Health for all by the year 2000 objective, she asked whether the National Plan of Action in the health sector provided for a reform of the health-care system.

The meeting rose at 1 p.m.